

Application No. 09/740,927
Attorney's Docket No. 003510-069

REMARKS

Reconsideration of the application identified in caption and in light of the remarks which follow is respectfully requested.

At the outset, Applicants note with appreciation the indication that the §103(a) rejection based on U.S. Patent No. 6,025,412 (*Sacripante et al*) and Japanese Patent Document No. 03-231975 (*JP '975*), has been withdrawn (Advisory Action at page 2). It is also believed that the §112, second paragraph rejection has been overcome in light of the Amendment Pursuant to 37 C.F.R. §1.116 filed September 22, 2003.

In the only remaining rejection, claims 1, 5, 6, 9, 10, 13, 17 and 20-25 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,031,019 (*Tsutsumi et al*) in view of *JP '975*. Withdrawal of this rejection is respectfully requested for at least the following reasons.

As discussed in the Amendment Pursuant to 37 C.F.R. §1.116 filed September 22, 2003, the present invention provides surprising and unexpected results in the form of improved dispersion stability in comparison with an ink containing a dye and a polymer disclosed by *Tsutsumi et al*. In this regard, a Declaration Under 37 C.F.R. §1.132 of Takahiro Ishizuka (Declaration) was filed on September 22, 2003. In response to such Declaration, the Examiner stated the following in the Advisory Action at pages 2 and 3:

Thus, it is not clear how applicants determined that the ink of the comparative example did not have dispersion stability. . . Does the ink of the comparative example of the declaration rate a "C", i.e. considerable coloration of the filter? Without such measurement, it is not clear how the comparative ink compares to the inventive ink in terms of dispersion stability.

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In response to the above, Applicants submit herewith for the Examiner's consideration a Supplemental Declaration Under 37 C.F.R. §1.132 of Takahiro Ishizuka (Supplemental Declaration).¹

As discussed in the Supplemental Declaration at page 2, Comparative Example 1 which employed a dye and polymer disclosed by *Tsutsumi et al* was prepared in the same manner as described in the previously filed Declaration. Comparative Example 1 was stored at room temperature for one week, and then filtered in the manner discussed at pages 142 and 143 of the specification. The colored degree of the used filter was examined, and as discussed in the Supplemental Declaration at page 3, Comparative Example 1 was evaluated as rating a "C" (i.e., the ink caused considerable coloration).

By comparison, referring to Table 3 at pages 144 and 145 of the instant specification, several exemplary inks were prepared and allowed to stand still at 25°C for one month. Thereafter, each exemplary ink was filtered with a filter having a 0.2 µm mesh, and the degree of coloration of the used filter was examined. As can be seen from Table 3, twenty-five of the twenty-seven exemplary inks which were tested hardly caused coloration of the filter (ranking "A"), and the two other exemplary inks caused only slight coloration of the filter (ranking "B"). None of the tested exemplary inks caused considerable coloration of the filter.

The experimental test results set forth in Table 3 show that the inventive inks exhibit superior dispersion stability. As well, upon comparison of the dispersion stability of the inventive inks with that of the ink of Comparative Example 1, it is apparent that the inventive inks provide surprising and unexpected results in the form of improved dispersion stability.

¹The Examiner indicated that she would consider such Supplemental Declaration at this stage of prosecution (Advisory Action at page 3).

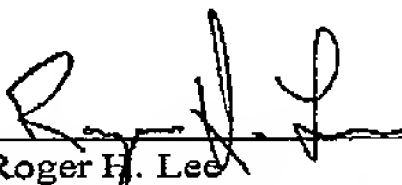
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For at least the above reasons, it is apparent that the present invention is not obvious over the combination of *Tsutsumi et al* and *JP '975*. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,


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